

16 Before the Court is defendant Nokia, Inc.'s Motion to Dismiss Gregory Bender's  
17 Amended Complaint for Failure to State a Claim, filed August 21, 2009. Plaintiff Gregory  
18 Bender has filed opposition to which defendant has replied. Having read and considered  
19 the papers filed in support of and in opposition to the motion, the Court deems the matter  
20 suitable for decision thereon, and VACATES the hearing scheduled for September 25,  
21 2009.

**IT IS SO ORDERED.**

Dated: September 18, 2009

Maxine M. Chesney  
MAXIME M. CHESNEY  
United States District Judge